

REMARKS

Claims 1, 3-6, 10 and 12-15 remain pending in this application. Claims 2, 7-9 and 11 are previously cancelled. Claim 15 is amended herein to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1, 3, 4, 6, 10, 12, 13 and 15 are rejected as obvious over Walker et al. (US 6,138,106) in view of Pennell et al. (US 6,910,179) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

According to independent claims 1 and 10, a “a first process of selecting and buying for enabling a user’s terminal to engage with said sale processing system for selecting and buying” (hereinafter “the first process”) is distinguished from a different “second process of selecting and buying the item of goods from the goods supply system” (hereinafter “the second process”). The first process of the present invention is described in the specification as “the selecting/buying process for items of goods the order acceptance-processing server 20 is preparing” (see page 26, lines 2-3), and the second process of the present invention is distinguished from the first process as described on page 16, line 21 through page 21, line 17).

A second selling program is provided from the goods supply system to the user's terminal via the sales processing system, and is executed on the user's terminal. As a result, the second process can be realized on the user's terminal. As such, although the sales processing system normally provides the first process for sales processing, if the goods supplier who operates the goods supply system generates the second selling program to realize his desired and customized second process, and sets the program-providing device to provide the second selling program to the sales processing system, the goods supplier can sell his goods via his desired second process regardless of the first process ordinarily practiced by the sales processing system. As mentioned above, the present invention is efficient, especially when the goods supplier managing the goods supply system (and providing the second process) is different from an operation company managing the sales processing system (and providing the first process).

The Office Action admits that Walker fails to disclose a second buying process which is different from a first buying process. Consequently, since a second process is not disclosed, no suggestion can be present in Walker providing transferring of the second selling program from the Web site to the user's terminal to thereby be executed on the user's terminal in association with a Web browsing program. Also, as no second process different from a first process is described, Walker must additionally be silent regarding the nature of the claimed second process, i.e., as being a process provided by the goods supply system to the sales

processing system to augment the normally available first process when the user visits the Web site and accesses the link to the goods supply system's merchandise and receives the transferred second selling program provided by the goods supply system.

It is respectfully submitted that Pennell fails to adequately supplement the disclosure lacking in Walker. Specifically, Pennell is silent regarding transferring a program for implementing the goods supplier's desired process from one system to another system (i.e., from the goods supply system to the sales processing system, and then to a user accessing the sales processing system).

The invention of Pennell is directed to an entirely different situation, namely in which a second situation in which an input form, where fields common to other input forms are automatically filled out, which is different from another (first) situation in which the input form is blank (see col.2 line 61- col. 3, line 40). As the second situation is performed by the browser automation program, the Examiner apparently seeks to equate the browser automation program with the second selling program of the present invention. The visited site that a user can access is likewise apparently being equated with the Web site managed by the sales processing system.

However, unlike the presently claimed invention, the browser automation program is stored to work at the user's terminal, and determines whether there is, in a user database, information available to fill a field in the input form on the visited site, and when there is, fills the information in the field automatically. Therefore, the

browser automation program is simply a program for managing information common to various input forms, and is not transferred from a sale processing system Web site to the user in the form of a customized program provided in advance to the sales processing system by a goods supply system.

Pennell discloses that the user database can be maintained at the home site 305 and the user's terminal can obtain the information of user database from the home site 305. As such, the browser automation program on the user's computer does not have any relationship with the visited site.

Therefore, it is impossible to derive from Pennell that a program is prepared by a goods supply system and provided to a sales processing system, and that the user's terminal obtains the program from the site when visited by the user. Moreover, Pennell is silent regarding the attendant convenience for the goods supplier and the relationship between the goods supplier and the visited sale processing system Web site. Therefore, the claimed invention, providing, *inter alia*, a program prepared by the goods supplier to perform his/her desired selling process, could not be arrived at by one of ordinary skill in the art based upon the cited references. Therefore, even when Walker and Pennell are combined, the above features are not derived from the combination, since the combination fails to teach or suggest all claimed features.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the

rejections of claims 1, 3, 4, 6, 10, 12, 13 and 15 and their allowance are respectfully requested.

Claims 5 and 14 are rejected as obvious over Walker et al. (US 6,138,106) in view of Pennell et al. (US 6,910,179), and further in view of Satchell et al. (US 5,822,216) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

Satchell et al., like the Walker et al. and Pennell references, fails to teach or suggest the provision that the second selling program, to be executed on the user's terminal for realizing the second selling process, and which is different from the first selling process, is provided to the sale processing system from the goods supply system managed by a supplier, and from where it can be transferred to a user to be executed in connection with the Web browser. Thus, the combination of prior art references fails to teach or suggest all the claim limitations as properly required for establishing a *prima facie* case of obviousness.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 5 and 14 and their allowance are respectfully requested.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By Frank J. Jordan
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants
and,

By Lawrence Wechsler
Lawrence Wechsler
Reg. No. 36,049
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340